

HUMAN SERVICES BOARD

# INTRODUCTION

## DISCUSSION

Sometime thereafter OCS notified the Human Services Board that the petitioner wished to appeal the May 17, 2002 Administrative Review decision. The Board, unaware that this appeal was pursuant to a pending fair hearing, assigned a new

docket number to the case, Fair Hearing No. 17,895, and scheduled the matter for hearing.

At the hearing that was held on Fair Hearing No. 17,895, neither party made the Board aware that the matter was actually a continuation of the instant fair hearing. Following a Recommendation from the hearing officer (dated October 3, 2002) the Board, following its meeting on November 20, 2002, issued an Order dated November 22, 2002 that the petitioner's appeal in Fair Hearing No. 17,895 be dismissed for lack of subject matter jurisdiction. There is no record that this decision was appealed.

The instant matter languished on the Board's docket without any action being taken until September 27, 2004, when the Board sent a notice to the parties requesting verification that the matter had been resolved. In a letter dated October 14, 2004, the petitioner informed the Board that he did not consider the matter settled, and that he wanted a hearing. On November 30, 2004 OCS filed a Motion to Dismiss based on mootness in view of the Board's decision in Fair Hearing No. 17,420, which had involved the identical subject matter.

A status conference was held on January 27, 2005. Although the petitioner still feels aggrieved by OCS's

actions and the Family Court proceedings that were described in Fair Hearing No. 17,895, he did not identify any issue or event that he did not raise, and was not fully considered by the Board, in that decision. It is clear that this matter remains on the Board's docket at his time solely due to the Board's and the parties' inadvertence in not combining it with Fair Hearing No. 17,895 at the time that that matter was under consideration in 2002.

ORDER

In light of the Board's decision in Fair Hearing No. 17, 895, this matter is dismissed as a matter of mootness and *res judicata*.

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